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11 Of Counsel

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO DIVISION**

15 AMERICAN MOTORISTS INSURANCE
COMPANY, an Illinois corporation

CASE NO. C-05-1030-CRB

16 Plaintiff,

STIPULATION AND ORDER

17 v.

18 FIREMAN'S FUND INSURANCE COMPANY,
a California corporation

19 Defendants,

20 **STIPULATION AND ORDER**

21 WHEREAS, the above captioned matter had previously been set for a Settlement Conference
22 before the Honorable Magistrate Judge Laporte;

23 WHEREAS, by order dated October 11, 2005, the court continued the Settlement Conference
24 and ordered that the parties submit a letter brief to Magistrate Judge Laporte regarding the status of
25 this case either immediately following the conclusion of the trial in the underlying case that was
26 scheduled for November 29, 2005, or no later than January 3, 2006;
27
28

1 WHEREAS, the parties submitted a joint letter brief regarding the status of the case on
2 January 3, 2006, advising that the trial did not occur as scheduled and that a hearing on a significant
3 motion in that case is scheduled for February 27, 2006;

4 WHEREAS, the parties have submitted a joint letter brief regarding the status of the case on
5 March 7, 2006, advising that there was a ruling on the motion to permit lost royalties as a measure of
6 compensatory damages on February 27, 2006, and the court has not yet scheduled a trial date for the
7 underlying case.

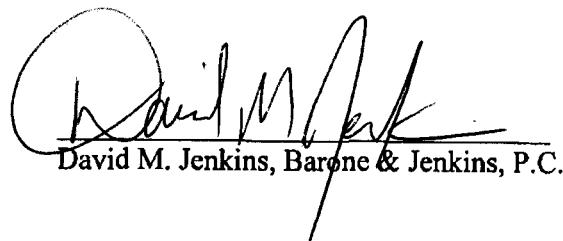
8 Accordingly, the parties hereto, by and through their respective counsel, stipulate as follows:

9 1. The Settlement Conference scheduled before Magistrate Judge Laporte is continued
10 subject to further order of the court.

11 2. The parties are to submit a letter brief to Magistrate Judge Laporte regarding the status
12 of this case on or before April 28, 2006 to advise whether a trial date is set and whether a further
13 Settlement Conference should be conducted.

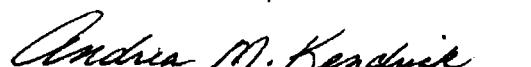
14 So Stipulated:

15 Date: 3/7/06



David M. Jenkins, Barone & Jenkins, P.C.

16 Dated: 3/7/06



Andrea M. Kendrick
Andrea Kendrick, Kaufman & Logan, LLP

17 IT IS SO ORDERED.

18 Dated: March 7, 2006



Hon. Magistrate Judge Elizabeth Laporte

1 I, Tina L. Falbo, declare:

2 I am over the age of eighteen (18) years, am not a party to this action, and am employed in the
3 County of DuPage at 721 Enterprise Drive, Suite 200, Oak Brook, Illinois 60523.

4 On March 7, 2006, following ordinary business practices, I caused service of the following
5 document(s):

6

7 MARCH 7, 2006 LETTER BRIEF TO MAGISTRATE JUDGE LAPORTE AND
8 STIPULATION AND ORDER

9 to be completed:

10 Via facsimile with hard copy to follow by Regular U.S. Mail. I am readily familiar with
11 Barone & Jenkins, P.C.'s practice for collection and processing of correspondence for mailing with
12 the United States Postal Service and, in the ordinary course of business, the correspondence was
13 deposited with the United States Postal Service on the day on which it is collected at Barone &
14 Jenkins, P.C. and that the envelope was sealed and deposited in the mail with the postage thereon
15 fully prepaid addressed to the following parties:

16

17 Honorable Magistrate Judge Elizabeth D. Laporte 18 United States District Court for the 19 Northern District of California Federal Building 450 Golden Gate Avenue 20 San Francisco, California 94104 Fax: 415-522-2140	21
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22 Andrea Kendrick
Kaufman & Logan LLP
100 Spear Street, 12th Floor
San Francisco, California 94105
Tel.: 415-247-8300
Fax: 415-247-8310

23

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct to the best of my knowledge and belief.

26

27 Dated: March 7, 2006


28 Tina L. Falbo